

Remarks/Arguments:

The Declaration was found to be defective. In particular, the Action stated that "listing a claim as an error is insufficient." The complaint with the Declaration is not understood because the Declaration does not list any claims. Rather, the Declaration states that certain features were not recognized as being appropriate to claim at the time that the application was pending. Clarification of why the Declaration was found to be defective is respectfully requested.

The Disclosure was objected to because of an informality. The specification has been amended. Withdrawal of the objection is respectfully requested.

Claims 1-13 were objected to because of informalities. The amended claims are now shown correctly. Withdrawal of the objection is respectfully requested.

Claims 12 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Durden (U.S. 5,003,384) in view of Lett (U.S. 5,592,551). It is respectfully submitted, however, that these claims are patentable over the art of record for the reasons set forth below.

Applicant's Fig. 1 includes a server apparatus on the left side of the figure. The server apparatus includes information providing apparatus 2. Information providing apparatus 2 receives an information signal from the subscriber apparatus (shown on the right side of the figure). The information signal is capable of indicating that the output from the information providing apparatus is being directed to display terminal 10 without being recorded. The information signal is also capable of indicating that the output signal from information providing apparatus 2 is capable of being recorded in recording/reproducing apparatus 9. Subscriber mode recognizing apparatus 3 also receives the information signal from the subscriber apparatus and can identify from the information signal whether the output signal from information providing apparatus 2 is being provided to the display terminal without being recorded and is being provided to the recorder. Charging apparatus 4 charges a different amount in the case that the output signal is being provided to the display terminal without being recorded and the output signal is being provided to the recorder.

The outstanding Official Action rejects Applicant's claims by combining Saito, Durden with Lett. Saito discloses a method for providing information on demand. Durden allows a user to record a program (Pre-Buy) and to view a program (Buy). Durden does not disclose a charger which charges a different amount for the output signal to be provided to the display terminal and

terminal and for the output signal to be provided to the recorder. Lett, Fig. 9 discloses a pay-per-view program ("Terminator") where the user is given the options of purchase, record or watch. It should be noted, however, that neither recording nor watching can occur until the purchase is completed. In particular, Lett discloses at Col. 14, lines 53-55:

Of course, if the event is a pay-per-view event, a purchase sequence must occur before the program can actually be recorded or watched. (Emphasis Added).

Thus, Applicant's representative wishes to note that while Lett will permit one program to be viewed with no charge and another program to be recorded with a charge, the program being viewed (without being recorded) and the program being recorded are different programs.

Applicant's invention, as recited by claim 12, includes a feature which are neither disclosed nor suggested by the art of record, namely:

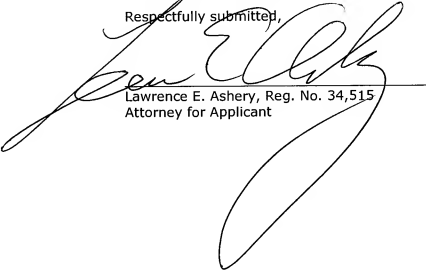
... charging different amounts depending upon whether the transmitted information is displayed without being recorded responsive to the first request or recorded responsive to the second request ...

In Lett, as previously explained, Lett charges different amounts for different programs. This is different than Applicant's claimed invention where the same information is associated with different charges depending upon whether or not the information is being recorded. Accordingly, claim 12 is patentable over the art of record.

Claim 13, while not identical to claim 12, is patentable for reasons similar to those set forth above with regard to claim 12.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,



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Attachment: Status of Claims

Dated: November 17, 2009

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Status of Claims and Support for Claim Changes

<u>Claims</u>	<u>Status</u>	
1.	Cancelled	
2.	Cancelled	
3.	Pending	
4.	Pending	
5.	Cancelled	
6.	Cancelled	
7.	Pending	
8.	Pending	
9.	Pending	
10.	Pending	
11.	Pending	
12.	Pending	(Column 3, line 62 - Column 4, line 3)
13.	Pending	(Column 3, line 62 - Column 4, line 31)
14.	Cancelled	
15.	Cancelled	
16.	Cancelled	
17.	Cancelled	
18.	Cancelled	
19.	Cancelled	
20.	Cancelled	